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09/609,286	06/30/2000	John S. Hendricks	SEDN/5219	2646

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EXAMINER	
KE, PENG	

ART UNIT	PAPER NUMBER
2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/609,286	HENDRICKS ET AL.	
	Examiner	Art Unit	
	Peng Ke	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/12/08.

Claims 28-47 are pending in this application. Claims 28 and 37 are independent claims. In the Amendment, filed on 2/12/08, claims 28 and 37 were amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 28, 30-34, 36-37, 39-45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al. US Patent 5,588,104 (Lanier I), in view of Lanier et al. US Patent 5,588,139 (Lanier II) further in view of Young et al. US Patent 4,706,121 (Young) Further in view of McMullan, Jr. et al. US Patent US Patent 5,142,690

As per claim 28, Lanier I teaches a method for placing virtual objects in virtual object locations in a video program comprising:

receiving at the a plurality of virtual objects; (see Lanier I; col.2, lines 47-63)

identifying at the at least one virtual object location for each frame of the video program; (see Lanier I, col. 2, lines 25-65)

selecting at the one or more of the plurality of virtual objects according to a set of placement rules and targeting information; (see Lanier I, col. 2, lines 25-65; col. 4 ,lines 10-35)

inserting at the one or more of the plurality of virtual objects into the identified at least one virtual object location during a display or storage of the video program; (see Lanier I; col. 3, lines 32-50) and

transmitting said video program to a targeted terminal. (see Lanier I; col. 4, lines 60-col. 5, lines 10)

However, he fails to teach storing the plurality of virtual objects in a database;

Lanier II teaches storing the plurality of virtual objects in a database; (see Lanier II; col. 6, lines 20-65)

It would have been obvious to an artisan at the time of the invention to include Lanier II's teaching with method of Lanier in order to reduce network traffic.

They fail to teach a in a television program delivery system,

Young teaches a in a television program delivery system, (see Young; col. 6, lines 15-45)

It would have been obvious to an artisan at the time of the invention to include Young's teaching with method of Lanier I and II in order to allow users to easily reduce the number of programs that are desired to watch.

However, they fail to teach head end is coupled to a plurality of set top terminals and transmitted to a targeted terminal of said plurality of set-top terminals.

McMullan teaches head end is coupled to a plurality of set top terminals and transmitted to a targeted terminal of said plurality of set-top terminals. (see McMullan col. 4, line 20-30, col. 4, lines 40-70)

It would have been obvious to an artisan at the time of the invention to include McMullan's teaching with method of Lanier I, II, and Yound in order to allow the RF subscriber data processor apparatus of the present invention be compatible with any headend or terminal apparatus used for forward and downstream transmission.

As per claim 30, Lanier I, II, Young, and McMullan teach the method of claim 28. Lanier I teaches wherein the step of inserting comprises: selecting a specific virtual object from the plurality of virtual objects. (see Lanier I, col. 2, lines 25-65)

As per claim 31, Lanier I, II, Young, and McMullan teach the method of claim 30. Lanier I further teaches comprising recording virtual objects watched data at the targeted terminal. (see Lanier I, col. 3, lines 15-20)

As per claim 32, Lanier I, II, Young, and McMullan teach the method of claim 31. Lanier I further teaches comprising adjusting the selecting step based on the recorded virtual objects watched data. (see Lanier I, col. 3 ,lines 5-20)

As per claim 33, Lanier I, II, Young, and McMullan teach the method of claim 28. Lanier II further teaches comprising:

receiving updated virtual objects at the head end; (see Lanier II; col. 6, lines 20-65) and

storing the updated virtual objects at the head end. (see Lanier II; col. 6, lines 20-65)

As per claim 34, Lanier I, II, Young, and McMullan teach the method of claim 28. Lanier I further teaches wherein at least one virtual object is an interactive virtual object including a link to a location remote from the viewer's terminal, further comprising:

receiving an activation of the interactive virtual object; (see Lanier I; col.2, lines 47-63) and

connecting the targeted terminal to the remote location. (see Lanier I; col. 4, lines 1-14)

As per claim 36, Lanier I, II, Young, and McMullan teach the method of claim 28. Lanier I teaches wherein the targeted terminal is one of a set top terminal, a television, a personal computer, a satellite television receiver, a wireless telephone, an electronic book reader, and a PDA device. (see Lanier I; col. 4, lines 1-14)

As per claim 37, Lanier I teaches an operations center located at a head end delivery system that receives a plurality of virtual objects and video programs having virtual object locations and places the virtual objects into the video programs, comprising:

a virtual object location definer for identifying at least one virtual object location; (see Lanier I, col. 2, lines 25-65)

a virtual object selector for selecting at least one of the plurality of virtual objects according to a set of placement rules; (see Lanier I, col. 2, lines 25-65; col. 4 ,lines 10-35) and

a targeted virtual object management system for selecting at least one of the plurality of virtual objects according to targeting information and inserting the selected at least one of the plurality of virtual objects into the at least one virtual object location during a display of the video programs at a viewer terminal. (see Lanier I; col. 4, lines 60-col. 5, lines 10)

However, he fails to teach storing the plurality of virtual objects in a database;

Lanier II teaches storing the plurality of virtual objects in a database; (see Lanier II; col. 6, lines 20-65)

It would have been obvious to an artisan at the time of the invention to include Lanier II's teaching with method of Lanier I in order to reduce network traffic.

They fail to teach a head end in a television program delivery system,

Young teaches a head end in a television program delivery system, (see Young; col. 6, lines 15-45)

It would have been obvious to an artisan at the time of the invention to include Young's teaching with method of Lanier I and II in order to allow users to easily reduce the number of programs that are desired to watch.

However, they fail to teach head end is coupled to a plurality of set top terminals and transmitted to a targeted terminal of said plurality of set-top terminals.

McMullan teaches head end is coupled to a plurality of set top terminals and transmitted to a targeted terminal of said plurality of set-top terminals. (see McMullan col. 4, line 20-30, col. 4, lines 40-70)

It would have been obvious to an artisan at the time of the invention to include McMullan's teaching with method of Lanier I, II, and Yound in order to allow the RF subscriber data processor apparatus of the present invention be compatible with any headend or terminal apparatus used for forward and downstream transmission.

As per claim 39, Lanier I, II, Young, and McMullan teach the operations center of claim 37. Lanier I teaches wherein the video programs include a virtual object placement plan. (see Lanier I, col. 2, lines 25-65)

As per claim 40, Lanier I, II, Young, and McMullan teach the operations center of claim 39. Young teaches wherein the virtual object placement plan is stored in the memory. (see Young, figure 4, item 179)

As per claim 41, Lanier I, II, Young, and McMullan teach the operations center of claim 37. Lanier I further teaches comprising a processor, wherein said processor comprises a comparison module that compares the virtual object placement plan and the stored virtual objects to determine a specific virtual object for placement in a specific virtual object location. (see Lanier I, col. 2, lines 25-65; col. 4 ,lines 10-35)

As per claim 42, Lanier I, II, Young, and McMullan teach the operations center of claim 37. Lanier II further teaches wherein said operations center receives updated virtual objects and

stores the updated virtual objects in said database. (see Lanier II; col. 6, lines 20-65)

As per claim 43, Lanier I, II, Young, and McMullan teach the operations center of claim 37. Young further teaches wherein the operations center comprises a virtual objects watched module that determines virtual objects watched at the viewer terminal, the virtual objects watched data stored in a memory. (see Young, figure 4, item 179)

As per claim 44, Lanier I, II, Young, and McMullan teach the operations center of claim 43. Lanier I further teaches wherein the virtual object placement plan is adjusted based on the stored virtual objects viewed data. (see Lanier I, col. 2, lines 25-65)

As per claim 45, Lanier I, II, Young, and McMullan teach the operations center of claim 37. Lanier I further teaches wherein one or more virtual objects are interactive virtual objects, the interactive virtual objects including a link from the terminal to a remote location. (see Lanier I; col. 4, lines 1-14)

As per claim 47, which is dependent on claim 37, it is rejected under the same rationale 36. Supra.

Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al. US Patent 5,588,104 (Lanier I), in view of Lanier et al. US Patent 5,588,139 (Lanier II)

further in view of Young et al. US Patent 4,706,121 (Young) further in view of McMullan, Jr. et al. US Patent US Patent 5,142,690 further in view Esch et al. US Patent 5,283,639 (Esch)

As per claim 29, Lanier I, II, Young, and McMullan teach the method of claim 28. Young fails to teach groupings and program categories thereby the targeted terminal stores information relating to the program categories of its group. (see Young, col. 12, lines 45-col. 13, lines 20)

They fail to teach method comprising generating a group assignment matrix and a retrieval plan for a plurality of viewer terminals including the targeted terminal, wherein the group assignment matrix comprises reception site.

Esch teaches method comprising generating a group assignment matrix and a retrieval plan for a plurality of viewer terminals including the targeted terminal, wherein the group assignment matrix comprises reception site. (see Esch, col. 11, lines 60-65, col. 1, lines 30-40)

It would have been obvious to an artisan at the time of the invention to include Esch's teaching with method of Lanier I, II, and Young in order to allow users to easily reduce the number of programs that are desired to watch.

As per claim 38, it is rejected under the same rationale as claim 29. Supra.

Claims 35 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanier et al. US Patent 5,588,104 (Lanier I), in view of Lanier et al. US Patent 5,588,139 (Lanier II)

further in view of Young et al. US Patent 4,706,121 (Young) further in view of McMullan, Jr. et al. US Patent US Patent 5,142,690further in view Hond et al. US Patent 5,737,533 (Hond)

As per claim 35, Lanier I, II, Young, and McMullan teach the method of claim 34. However, they fail to teach wherein the remote location is an Internet web site.

Hond teaches wherein the remote location is an Internet web site. (see Hond, col 5, lines 58-60)

It would have been obvious to an artisan at the time of the invention to include Hond's teaching with method of Lanier I, II, and Young in order to allow provide the users with more information regarding the subject.

As per claim 46, which is dependent on claim 45, it is rejected under the same rationale as claim 35. Supra.

Response To Argument

Applicant's arguments with respect to claims 28-47 have been considered but are deemed to be moot in view of the new grounds of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peng Ke

/Peng Ke/

Primary Examiner, Art Unit 2174